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3    **IN THE UNITED STATES DISTRICT COURT**

4    **FOR THE DISTRICT OF ARIZONA**

5    IN RE BARD IVC FILTERS                No.
     PRODUCTS LIABILITY LITIGATION

6                                          **AMENDED MASTER SHORT FORM**
                                           **COMPLAINT FOR DAMAGES FOR**
7                                          **INDIVIDUAL CLAIMS**

8          Plaintiff(s) named below, for their Complaint against Defendants named below,

9    incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364 ).

10   Plaintiff(s) further show the Court as follows:

11         1.    Plaintiff/Deceased Party:

12         Marlin Pavelek

13         2.    Spousal Plaintiff/Deceased Party's spouse or other party making loss of

14         consortium claim:

15          N/A

16         3.    Other Plaintiff and capacity (i.e., administrator, executor, guardian,

17         conservator):

18          N/A

19         4.    Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at

20         the time of implant: Ohio

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5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Ohio

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Ohio

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for the Northern District of Ohio

8. Defendants (check Defendants against whom Complaint is made):

☑ C.R. Bard Inc.

☑ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☑ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

Multi-District Litigation

_____

_____

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery® Vena Cava Filter

☐ G2® Vena Cava Filter

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☐   G2® Express (G2® X) Vena Cava Filter

☐   Eclipse® Vena Cava Filter

☑   Meridian® Vena Cava Filter

☐   Denali® Vena Cava Filter

☐   Other: _____

11.   Date of Implantation as to each product:

 July 10, 2014 _____

_____

12.   Counts in the Master Complaint brought by Plaintiff(s):

☑   Count I:        Strict Products Liability – Manufacturing Defect

☑   Count II:      Strict Products Liability – Information Defect (Failure to Warn)

☑   Count III:     Strict Products Liability – Design Defect

☑   Count IV:     Negligence - Design

☑   Count V:      Negligence - Manufacture

☑   Count VI:     Negligence – Failure to Recall/Retrofit

☑   Count VII:    Negligence – Failure to Warn

☑   Count VIII:   Negligent Misrepresentation

☑   Count IX:     Negligence *Per Se*

☑   Count X:      Breach of Express Warranty

☑   Count XI:     Breach of Implied Warranty

☑   Count XII:    Fraudulent Misrepresentation

☑     Count XIII:   Fraudulent Concealment

☑     Count XIV:   Violations of Applicable  <u>Ohio</u>  (insert state) Law

Prohibiting Consumer Fraud and Unfair and Deceptive Trade

Practices

Count XV:     Loss of Consortium

☐     Count XVI:   Wrongful Death

☐     Count XVII: Survival

☑     Punitive Damages

☐     Other(s):     _____ (please state the facts supporting

this Count in the space immediately below)

_____

_____

_____

_____

_____

13.    Jury Trial demanded for all issues so triable?

☑   Yes

☐   No

1    RESPECTFULLY SUBMITTED this 10th day of October, 2017.

2                                            **MARC J. BERN & PARTNERS LLP**

3                                            By: */s/ Debra J. Humphrey*
                                                Debra J. Humphrey
                                                One Grand Central Place
                                                60 East 42nd St., Suite 950
                                                New York, New York 10165
                                                (212) 702-5000

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                                                *Attorneys for Plaintiff(s)*
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12       I hereby certify that on this 10th day of October, 2017, I electronically transmitted

13   the attached document to the Clerk's Office using the CM/ECF System for filing and

14   transmittal of a Notice of Electronic Filing.

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                                                */s/ Debra J. Humphrey*
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